

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIBERTO GUTIERREZ,

Defendant.

Case No.: 05-191M

DETENTION ORDER

Offense charged:

Possession with Intent to Distribute Cocaine (21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2).

Date of Detention Hearing: Initial appearance, April 22, 2005.

The Court conducted a detention hearing pursuant to 18 U.S.C. § 3142(f). Based upon the factual findings and statement of reasons for detention hereafter set forth, the Court finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) In the Pretrial Services Report of April 22, 2005, criminal records are cited that reflect several prior offenses, including two previous charges of distribution of methamphetamine and marijuana.

01 (2) The defendant has stipulated to detention due to the detainer placed on defendant
02 by the Bureau of Immigration and Customs Enforcement, but reserved the right to file a
03 subsequent motion for release if there is a change of circumstances.

04 (3) Defendant appears to have no substantial ties to the community or to the Western
05 District of Washington.

06 (4) No conditions or combination of conditions are apparent that will reasonably
07 assure the defendant's appearance at future Court hearings.

08 IT IS THEREFORE ORDERED:

09 (1) Defendant shall be detained pending trial and committed to the custody of the
10 Attorney General for confinement in a correction facility separate, to the extent
11 practicable, from persons awaiting or serving sentences or being held in custody
12 pending appeal;

13 (2) Defendant shall be afforded reasonable opportunity for private consultation with
14 counsel;

15 (3) On order of a court of the United States or on request of an attorney for the
16 government, the person in charge of the corrections facility in which defendant is
17 confined shall deliver the defendant to a United States Marshal for the purpose of
18 an appearance in connection with a court proceeding; and

19 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
20 counsel for the defendant, to the United States Marshal, and to the United States
21 Pretrial Services Officer.

22 DATED this 25th day of April, 2005.
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25 /s/ JAMES P. DONOHUE
26 United States Magistrate Judge